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Hoover Tops Kennedy in Documenting Case

Behind the wire tapping and "bugging" dispute between J. Edgar Hoover and Robert F. Kennedy lies the long-smouldering issue on the function of the Federal Bureau of Investigation. What is basically at stake here now and in the post-Hoover FBI arouses strong feelings.

FBI Director Hoover's documentation in the dispute is thus far quite obviously much stronger than Robert F. Kennedy's. This leaves the former attorney general in the uncomfortable position, when the best color is put on it, of insufficiently informing himself on possibly the most sensitive and controversial of the FBI's investigating techniques.

Wiretapping and "bugging" have been flash-point issues for decades. As chief counsel for the McClellan Committee, Kennedy had every reason to know. Wiretaps taken by local authorities in New York were played during the televised hearings of the McCel-

lan Committee for all the world to hear.

It is not highly credible that Senator Kennedy, in view of his background as a Senate investigator, would have taken such an active disinterest in how and why the FBI tapped people's wires and listened through the walls as he now professes. But even if this is true and the senator did not know what was going on when he was attorney general, it reflects little credit on his administrative methods.

Hoover's testimony, supported by documentation bearing Kennedy's name, is quite to the contrary and to the effect that Kennedy did know and approved of the FBI's controlled and limited program of electronic surveillance.

What underlies this dispute is that Kennedy had permitted himself to become a carrier or sounding-board for the entirely unjustified accusation that the FBI had gotten out of control and is tapping telephones and bugging private citizens by the thousands.

What could be better proof of this than that such a puritanical attorney general as Kennedy was in the dark, as he claimed, in some of the more sensational cases?

For months Hoover smouldered under this implication. FBI officials were not hiding their resentment but they also were not holding a press conference to denounce Kennedy. They kept their peace until Iowa's Rep. H. R. Gross, following up on the circumstances leading to the Department of Justice's confession of error in the case of Fred Black Jr., decided as a shot in the dark to address a letter to Hoover asking for the facts on FBI bugging and wiretapping.

Gross was astonished by the rapidity of Hoover's reply. It was hand-delivered to Gross by an FBI agent two days later while Gross was vacationing in Mississippi.

In the excitement over two such well-known celebrities as Hoover and Kennedy challenging each other's veracity, the real meaning of the incident

was lost. This lies in the fact that the FBI is so circumscribed and so limited in its use of electronic listening that its effectiveness in combatting organized crime and espionage is impaired.

Far from tapping thousands of telephones or bugging hundreds of hotel rooms, the FBI maintained in 1961 only 78 wiretaps and 67 electronic listening devices, mostly in the field of internal security and a few to get information on organized crime. The figures may be somewhat higher than that today but the number is still small, averaging out to more than two or three a state, but concentrated, of course, in areas where organized crime and espionage flourish.

This exposes for the nonsense it is the Washington mythology that everybody who amounts to anything is wired in to FBI headquarters. A suspected wiretap in Washington is regarded as a status symbol attesting to the importance of an official or private citizen who thinks he hears a foreboding click in his receiver.

The James Bond complex seems to affect particularly those of the liberal bent and they nurture and promote the silly notion that their secret lives are being probed by the FBI, undoubtedly for political reasons, or for some youthful indiscretion.

Many will be disappointed to discover that they are not in fact being bugged by the FBI, but they will undoubtedly cling to the illusion because it is part of their political credo which they thought Kennedy's attitude was sustaining.

These illusions run so deep that the function and effectiveness of the FBI will be in jeopardy when its strongest symbol, J. Edgar Hoover is forced to retire. Hoover has headed off the FBI reformers on one point by getting the record clear on the extent of wiretapping and bugging, and the careful restrictions on the use of these devices, which are subject to the control of the attorney general whether or not he exercises that control.